IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4516 of 2005

Between:

B.Rupender Redy S/o. Sri Linga Reddy
R/o.7-41/A, Opp. Petrol Bunk
Poodur Village, Kodimyal Mandal, Karimnagar District.

..... PETITIONER

AND

1 The Chairman Cum Presiding Officer, Industrial Tribunal Cum Labour Court, Godavarikhani, Karimnagar District.
2 The A.P. State Electricity Board Rep. by its Chairman
Vidyuth Sudha, Khairathabad, Hyderabad.
3 The Superintendent Engineer Operation, APSEB Karimnagar.
4 The Assistant Accounts Officer Electricity Revenue Office,
APSEB, Jagityal Karimnagar.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the Award in i.d.No.115/1997 dt.21.11.2000 on the file of the Labour Court Godavarikhani and quash the same as arbitrary and illegal by way of issue of writ of Certiorari or any other appropriate writ order or orders and consequently direct the respondents to reinstate the petitioner into service with continuity of service and with full block wages.

Counsel for the Petitioner: MR.ANDAPALLI SANJEEV KUMAR

Counsel for the Respondents: GP FOR LABOUR

The Court made the following :

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ORAL ORDER:

This writ petition is filed challenging the award, dated 21.11.2000 in I.D.No.115 of 1997 on the file of the Labour Court, Godavarikhani and to quash the same.

A regular departmental enquiry was conducted and the disciplinary authority ordered removal of the petitioner from service on the ground that he misappropriated an amount of Rs.254/- which was received from the consumers. Aggrieved by the same, the petitioner raised an Industrial dispute and the same was dismissed. Challenging the same, this writ petition has been filed.

It is stated that the enquiry was conducted in gross violation of principles of natural justice and without considering the petitioner's explanation, his services were removed. The grounds that are taken in this writ petition are the Labour Court failed to exercise its jurisdiction vested in it under Section 11 of the Industrial Disputes Act,

1947 and that the amount was deposited by the workman and therefore, the Labour Court ought to have ordered reinstatement of the petitioner. Hence, the writ petition has been filed.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents 2 to 4 and perused the material on record.

The charge levelled against the petitioner is that he misappropriated an amount of Rs.254/- after receiving the same from the consumers of Pambatla and Bettapalli village. In the affidavit, except mentioning that an enquiry was conducted in gross violation of principles of natural justice, nothing has been stated in what manner, the principles of natural justice have been violated. It is not a case of denial of opportunity. It is also not a case where the findings are not based upon any evidence on record or the findings are perverse or contrary to the evidence on record. Even after the charge sheet, the petitioner remitted the amount alleged to have been misappropriated by him. Even for a temporary misappropriation, it is a serious offence touching the conduct and character of the petitioner. Since enquiry was not shown to have been in accordance with law, there are no grounds to interfere with the removal order and rightly the Tribunal dismissed the industrial dispute. The punishment imposed by the disciplinary authority cannot be shown as grossly disproportionate to the proved misconduct. Therefore, the writ petition is devoid of merit. Further, the writ petition is also liable to be dismissed on account of latches i.e. as the industrial dispute raised by the petitioner was dismissed on 21.11.2000, for the last 4½ years, the petitioner has not given any explanation for challenging the same.

In the result, the writ petition is dismissed. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

9th March, 2005.

bcj

To

1 The Chairman Cum Presiding Officer, Industrial Tribunal Cum Labour Court, Godavarikhani, Karimnagar District.
2 The A.P.State Electricity Board Rep. by its Chairman
Vidyuth Sudha, Khairathabad, Hyderabad.
3 The Superintendent Engineer Operation,APSEB Karimnagar.
4 The Assistant Accounts Officer Electricity Revenue Office,
APSEB, Jagityal Karimnagar.

5 Two C.Cs. to the Government Pleader for Labour, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies.